

MARTINEZ  
"Cellular Communications Handsets Having Variable  
Appearance Housings And Methods Therefor"  
Atty. Docket No. CS10862

Appl. No. 10/084,965  
Confirm. No. 2203  
Examiner R. Osorio  
Art Unit 2673

### Allowability of Claims Over Martinez

#### Rejection Summary

5                   Claims 10, 14-18, 21, 22 & 24-26 stand rejected under 35 USC 102(b) as being anticipated by Nelson F. Martinez "Proposed Application of Elector-chromic Polymer to Incorporate into Wireless Communication Device Housing" (hereinafter referred to as the "Martinez Document". Office Action, 21 October 2003, para. 2.

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#### Discussion of Allowability of Claims

15                   The Applicant submits herewith a Declaration Under 37 CFR 1.132 Martinez averring facts establishing that the Martinez Document is not prior art under 35 U.S.C. 102(b). The Martinez Document is a copy of the instant inventors invention disclosure document, which was apparently inadvertently sent to the Patent & Trademark Office with the patent application papers or with the 37 CFR 1.56 disclosure documents. The rejections of the Claims under 35 U.S.C. 102(b) must therefore be withdrawn.

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#### Prayer For Relief

25                   In view of any amendments and the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

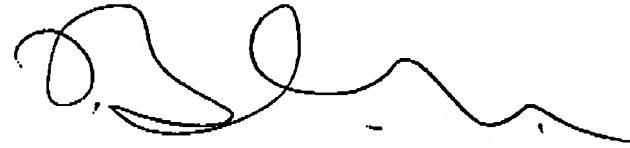
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The Examiner is encouraged to contact the undersigned upon carefully reviewing the foregoing remarks and declaration, prior to preparing an official action in response thereto.

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Respectfully submitted,



ROLAND K. BOWLER II 29 Oct. 2003  
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